IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 16849 of 2007(E)

PETITIONER:

P.K.BABY,
PANANTHARA HOUSE, CHEMBUMPURAM COLONY,
KOTTAMURI P.O., THRIKKADITHANAM,
CHANGANASSERY.

BY ADV. SRI.SANTHAN V.NAIR
SRI.V.GOPIKRISHNA
SRI.SAJEEVAN KURUKKUTTIYULLATHIL
SRI.K.C.BINU

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT OF KERALA, TRIVANDRUM.**
2. **THE ADMINISTRATIVE OFFICER, SCHEDULED CASTE/SCHEDULED TRIBE DEVELOPMENT OFFICE, P.T.P. NAGAR, TRIVANDRUM.**
3. **THE DISTRICT DEVELOPMENT OFFICER, OFFICE OF THE DISTRICT SCHEDULED CASTE/ SCHEDULED TRIBE DEVELOPMENT, KOTTAYAM.**
4. **SALIM, MESS BOY, POST METRIC HOSTEL, CHANGANASSERY, KOTTAYAM.**
5. **RADHAKRISHNAN, MESS BOY, POST METRIC HOSTEL, CHANGANASSERY, KOTTAYAM.**
6. **SHAJI, WATCHMAN, POST METRIC HOSTEL, CHANGANASSERY, KOTTAYAM.**

BY GOVERNMENT PLEADER SRI.RAVIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 16849 of 2007

Dated this the 25th day of October, 2007

JUDGMENT

The petitioner registered his name in the Employment Exchange on 15.12.1980 and has renewed the same periodically. He was appointed as a Watchman in the Government Polytechnic College, Kottayam on 23.10.2002 as per Ext.P2. He served in the same capacity on another occasion also. He therefore has previous experience as Watchman. He refers to Ext.P3, P4 and P5 in this regard.

2. Applications were invited by the third respondent for appointment to the post of Part-time Watchman in the Post Metric Hostel, Changanassery from among the candidates sponsored by the Employment Exchange. Petitioner applied for the said post. It seems that the 6th respondent had also applied and ultimately the 6th respondent was appointed. According to the petitioner, he had prior experience as Part-time Watchman, but 6th respondent came to be appointed on account of extraneous influence.

2. A statement has been filed on behalf of the second respondent. It is stated therein that eight candidates including the petitioner were interviewed on 11.12.2004 for the post of Part-time Watchman. A procedure was adopted by the selection committee. It is averred in the statement that 5 marks could be awarded to persons reckoning the age factor up to the age of 35 years and additional ½ mark would be given for every additional one year of age subject to a maximum of 5 marks. Total marks with regard to the age factor is 10. Next factor taken into account was seniority in the matter of employment registration, subject to a maximum of 10 marks. Marks provided for persons belonging to the special categories is 5. 10 marks were set apart for personal interview. Qualifications as such would fetch 5 marks. After detailing the above, the statement further proceeds to state that the maximum marks which was fixed at the time of selection was 45. Reckoning the age factor, the petitioner was awarded 9 marks by the 5th respondent. The 6th respondent got 10 marks as he had crossed the age of 45. Coming to seniority in the matter of employment registration, both the

petitioner and 6th respondent were awarded maximum marks of 10. 6th respondent has no previous experience in the post in question and therefore he was not awarded any mark for prior experience whereas the petitioner was given one mark on that score. Apparently at the time of personal interview, 6th respondent was awarded 7 marks and the petitioner was awarded 5 marks. Altogether petitioner came to be awarded 30 marks out of 45 and 6th respondent got 32 marks out of 45. Hence the 6th respondent was appointed to the post of Part-time Watchman in the Post Metric Hostel, Changanassery.

3. Learned counsel for the petitioner contends that apparently, no norms in the matter of personal interview were fixed prior to the interview and therefore there was arbitrariness.

4. In my view, the respondents have adopted a procedure, which cannot be considered as either unreasonable or unfair. There are no statutory rules governing the method of appointment to the post of Part-time Watchman. The method adopted, namely, allocating specific marks for each head also seems to be a fair method of selection. Going by the post in

question, a personal interview cannot be considered as inappropriate. A transparent, reasonable and fair method of selection seems to have been adopted and in the circumstances, it cannot be said that the selection of the 6th respondent is vitiated on any ground as to warrant interference of this Court under Article 226 of the Constitution of India.

For all these reasons, I do not find any ground to interfere in this writ petition. The same is bereft of merits and hence dismissed.

V. GIRI, JUDGE

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